

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 17, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:03 A.M. on May 17, 2012 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, RN, FNP, PhD; Chairperson
Louise D. Hartz, Citizen Member
Jeanne Holmes, Citizen Member
Jane R. Ingalls, RN, CNS, PhD
Patricia C. Lane, RN, BSN (joined later)
Karen K. Schultz, PhD, MBA; Citizen Member

STAFF PRESENT:

Jay P. Douglas, RN, MSM, CSAC; Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Amy Davis, Executive Assistant
Krystal Blanton, Senior Discipline Specialist (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nurse aide students from Buckingham County High School

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Eddie Moussa, LPN 0002-075704
Mr. Moussa appeared.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lanieda Briggs, court reporter, recorded the proceedings.

Pamela Kincheloe, Senior Investigator, Department of Health Professions was present and testified.

RECESS:

The Board recessed at 10:10 A.M.

RECONVENTION:

The Board reconvened at 10:21 A.M.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:28 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Moussa. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Davis and Mr. Casway attend the closed

meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:56 A.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board.

ACTION: Ms. Hartz moved that the Board of Nursing revoke the practical nurse license of Eddie Moussa. The motion was seconded and carried unanimously.

Ms. Lane joined the meeting.

FORMAL HEARINGS: **Cathy G. Chapin, LPN 0002-069784**
Ms. Chapin did not appear.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kellie Milner, court reporter, recorded the proceedings.

Sherry Foster, Senior Investigator, Department of Health Professions; Carla Elliott, RN, Director of Nursing, Roxboro Nursing Center; and Chad Hinnant, Administrator, Berry Hill Health and Rehab were present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:32 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Chapin. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:55 A.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing indefinitely suspend the right to renew the practical nurse license of Cathy Chapin until such time as she can appear before the board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Blanton joined the meeting. Ms. Davis left the meeting.

FORMAL HEARINGS:

Patricia H. Newman, RN 0001-147379

Ms. Newman appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kellie Milner, court reporter, recorded the proceedings.

Allan McDonald, Senior Investigator, Department of Health Professions; and Sandra Lamb were present and testified.

CLOSED MEETING:

Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Newman. Additionally, Ms. Hartz moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:45 P.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing issue an order or reprimand to Patricia Newman. The motion was seconded and carried. Dr. Selig, Ms. Hartz, Ms. Holmes, Dr. Ingalls, and Dr. Schultz were in favor of the motion. Ms. Lane opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:20 P.M.

RECONVENTION: The Board reconvened at 2:05 P.M.

FORMAL HEARINGS: **Niema T. Simpson, CNA Reinstatement Applicant 1401-131764**
Ms. Simpson appeared.

Tammie Jones, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kellie Milner, court reporter, recorded the proceedings.

Gayle Miller, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Simpson. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:40 P.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Ingalls moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing reinstate the nurse aide certificate of Niema Simpson without restriction and further, issue an order of reprimand. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Hartz left the meeting.

FORMAL HEARINGS: **Gladys Drew, RMA 0031-002694**
Ms. Drew did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kellie Milner, court reporter, recorded the proceedings.

Sherrie Foster, Senior Investigator, Department of Health Professions; and Celestine Hicks, ALFA Administrator were present and testified.

CLOSED MEETING: Ms. Hartz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Drew. Additionally, Ms. Hartz moved that Ms. Douglas, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:16 P.M.

Ms. Hartz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION: Dr. Ingalls moved that the Board of Nursing revoke the medication aide registration of Gladys Drew. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 3:16 P.M.

Gloria D. Mitchell, RN, MSN, MBA
Deputy Executive Director